

the man who straw purchased the gun that killed Officer Wortham did so for a quick \$100. The Tribune said he gave little thought to what he was doing. "I didn't even know what ATF stood for," the straw purchaser said to the Tribune.

That was the gun that was used to kill Officer Wortham, a veteran of two combat tours in Iraq, a leader in his community, one of Chicago's finest, and he was gunned down in front of his parents' home. His father was a retired Chicago police officer.

We need to send a message to those who think that straw purchasing might be an easy way to make a quick buck. As Sandra Wortham said at our hearing:

We need to do more to keep guns out of the wrong hands in the first place. I don't think that makes us anti-gun, I think it makes us pro-decent law abiding people.

I agree with Sandra Wortham. We can take steps consistent with the Constitution and the Second Amendment to crack down on straw purchases and gun-trafficking schemes that provide criminals with guns, and that is what this bill does.

The bill we introduced yesterday will create a tough Federal crime to punish and deter straw purchasing. It says that if a straw purchaser buys a gun from a licensed dealer on behalf of someone else, the buyer will face the prospect of significant jail time for up to 15 years. They will face hard time for a Federal crime. The same penalty applies to straw purchasers who buy a gun from a private seller on behalf of someone he knows or is has reasonable cause to believe is a prohibited purchaser.

The legislation also creates a separate Federal offense for firearms trafficking, which is when someone transports or transfers firearms to another when he knows or has reasonable cause to believe that transfer violates Federal law. The bill provides for increased penalties if the trafficker was a leader of an organized gang.

Cracking down straw purchasing and gun trafficking will help shut down the pipeline of guns into cities such as Chicago, where gang members use them on almost a daily basis to commit terrible crimes.

This section of our bill is named in honor of Hadiya Pendleton, the 15-year-old girl in Chicago who was shot and killed by alleged gang members in January just days after she attended the inauguration of the President of the United States here in Washington. Both Senator KIRK's hope and mine is that these reforms—once signed into law—will help prevent gang shootings and other gun crimes in the future.

It is time to move forward on this legislation and on other commonsense proposals that will reduce the epidemic of gun violence in America. This Thursday, the Senate Judiciary Committee will take up this bipartisan legislation that was introduced yesterday. I hope we can pass it out quickly with a strong bipartisan vote.

I also look forward to voting in committee for bills to improve our system of criminal background checks and to stop the flood of new military-style and high-capacity magazines onto our streets. It is time for Congress to move forward with these measures to reduce gun violence. These proposals will not stop every shooting in America—no proposal can—but they will save lives if we put them into effect.

I again thank my colleagues Chairman LEAHY, Senator KIRK, Senator GILLIBRAND, and Senator COLLINS for collectively joining together to make sure this legislation moves forward. I think we can do something important, on a bipartisan basis, to make our streets, schools, and communities safer across America.

I ask unanimous consent that my following statement be placed in a separate part of the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATION OF CAITLIN HALLIGAN

Mr. DURBIN. Mr. President, this week the Senate is going to have an opportunity to confirm the nomination of Caitlin Halligan to serve on the Court of Appeals for the DC Circuit. In doing so, we can correct a mistake the Senate made in the last Congress.

Ms. Halligan is an extraordinarily well-qualified nominee. She has the intellect, experience, temperament to be an outstanding Federal appellate judge.

On December 6, 2011, Caitlin Halligan's nomination was stopped by a filibuster by Republican Senators. Forty-five Republicans voted against the cloture motion on her nomination, thus denying Ms. Halligan an up-or-down vote. That killed her nomination for that Congress.

She has now been renominated in this Congress for the DC Circuit, and the court needs her. Right now there are only seven active status judges on the DC Circuit. There are supposed to be 11. Four seats are vacant, including one vacancy that opened just last month. This is untenable.

Retired DC Circuit Judge Patricia Wald has served as chief judge of the circuit for 5 years. She wrote in the Washington Post last month that:

There is cause for extreme concern that Congress is systematically denying the court the human resources it needs to carry out its weighty mandates.

It is time to address this vacancy situation by giving Ms. Halligan an up-or-down vote and confirming her nomination. She is eminently qualified. She graduated from Princeton University and the Georgetown University School of Law where she served as managing editor of the law review. She clerked for Supreme Court Justice Stephen Breyer. She served for 7 years as solicitor general for the State of New York, representing that State in a broad

range of litigation. She currently serves as general counsel at the New York County district attorney's office. She has argued five cases before the U.S. Supreme Court and served as counsel in dozens more cases in that same Court. The American Bar Association has given her a unanimous "well-qualified" rating to serve on the Federal bench.

Ms. Halligan's legal views are well within the political mainstream. She has received widespread support from across the political spectrum. For example, the National District Attorneys Association, the prosecutors, said she "would be an outstanding addition" to the DC Circuit. She also has the support of law enforcement organizations and prominent conservative lawyers.

There is simply nothing in her background that constitutes the "extraordinary circumstances" that the so-called Gang of 14 said we are supposed to use as a standard to justify a filibuster. There are no—repeat no—legitimate questions about Ms. Halligan's competence or ethics or temperament or ideology or fitness to serve on the bench. All she has done throughout her career is serve as an excellent lawyer on behalf of her clients.

When Ms. Halligan was filibustered in 2011, some of my Republican colleagues cited two main arguments against her. First, they claimed the DC Circuit didn't need another judge since they could handle the workload with eight judges. The DC Circuit may have had eight judges in 2011, but now there are only seven, so that argument doesn't hold.

Second, Republicans claim that when Ms. Halligan was solicitor general of New York, she advocated positions in litigations that they, the Republicans, disagreed with. Is that the standard, that a lawyer represented a client with a position that might not be the lawyer's personal position or a Senator's personal position? It has been a few years since I represented clients, but I believe that under our system of legal representation, that is not the standard; that lawyers must only represent those people they agree with.

In our system of law, the system where the scales of justice are held by the lady with the blindfold, we are supposed to give justice to both sides and hope at the end of the day the system serves us.

Ms. Halligan advocated positions at the direction of her client, which happened to be the State of New York. In the American legal tradition, lawyers are not supposed to be held to the views of their clients.

As Chief Justice John Roberts said during his confirmation hearing—and I remember this:

It is a basic principle in our system that lawyers represent clients and you do not ascribe the position of a client to the lawyer. It's a position that goes back to John Adams and the Revolution.

Those who read the book about John Adams often wonder how this man became President of the United States

after representing British soldiers at a massacre in the city of Boston.

Ms. Halligan should not be filibustered because she represented clients with whom some Senators don't always agree.

The bottom line is this: Our country needs excellent judges serving on the Federal bench. If qualified mainstream judicial nominees cannot be considered fairly by the Senate on their merits, then good lawyers are going to stop putting their name in for consideration. Maybe that is the ultimate goal on the other side by some of the Senators who object to Ms. Halligan.

Why would a top-notch lawyer volunteer to go through a long, excruciating judicial confirmation if the lawyer is only going to be filibustered at the end for reasons that don't have a thing to do with their qualifications? We are going to end up with a Federal bench that is either empty or lacks the excellence we should require.

Caitlin Halligan deserves an up-or-down vote on the merits. The Senate made a mistake in denying her that vote in 2011. Let's correct that mistake this week. She has clearly demonstrated she can serve the DC Circuit with distinction. She deserves that chance on the merits.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for 10 minutes and ask that the Chair let me know when 9 minutes has elapsed.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### SEQUESTRATION

Mr. ALEXANDER. Mr. President, we remember President Lyndon Johnson's courage and skill in passing the Civil Rights Act. We remember President Nixon going to China. We remember President Carter and the Panama Canal treaties. We remember President Reagan fixing Social Security and George H.W. Bush balancing the budget by raising taxes. We remember President Clinton and welfare reform. We remember President George W. Bush tackling immigration reform. If the history books were written today, we would remember President Obama for the sequester.

This is unique in history. This is not the way our Presidents usually conduct themselves. Here we have a policy that was designed to be the worst possible policy, and that may be what our talented, intelligent current President is

remembered for. He is remembered for it because it comes from a process he recommended, he signed into law, that he has known about for the last year, that he has done nothing about except to campaign around the country blaming others for it over the last month, and he seems determined to keep it in law.

Now, for what reason could this be possible?

Well, let's go back to why the President agreed to the sequester. He agreed to it in 2011 after suggesting the process from which it came in order to get \$2.2 trillion in spending reductions so he could get a debt ceiling increase that lasted through the election. And he did it, for the second reason, because he did not want to go against his own party's constituency in tackling the biggest problem our country faces—the biggest problem according to the former Chairman of the Joint Chiefs of Staff, the biggest problem according to the President's own debt commission—the out-of-control automatic spending increases that are in the Federal budget.

So we are left today with a sequester—automatic spending decreases which are the result of the automatic spending increases in entitlements the President is unwilling to confront. We are slashing the part of the budget that is basically under control. It is growing at about the rate of inflation. I am talking about national defense, national parks, National Laboratories, Pell grants, and cancer research. All that is growing at about the rate of inflation. We are slashing that part of the budget because the President does not want to challenge his own party on the part of the budget that is out of control, growing at two or three times the rate of inflation: Medicare, Medicaid, Social Security, and other entitlements.

This is not how our Presidents usually have acted when confronted with a great crisis. When President Johnson dealt with civil rights, he knew he would be terribly unpopular in Texas and throughout the South. When President Nixon went to China, he knew Republican conservatives would be angry with him. President Carter enraged many Americans by his support for the Panama Canal Treaty. President Reagan made many seniors unhappy when he fixed Social Security. George H.W. Bush probably lost the 1992 election when he raised taxes to balance the budget. Bill Clinton was pilloried by his own party when he worked with Republicans to reform welfare. George W. Bush made many radio talk show hosts very unhappy when he tried to change our immigration laws.

Why did they do it? They did it because they were the President of the United States, and that is what presidents do.

Robert Merry, a biographer of President James K. Polk, told me recently that every great crisis in our country has been solved by presidential leader-

ship or not at all. Every great crisis in American history has been solved by presidential leadership or not at all. Yet this president seems determined not to exercise that sort of presidential leadership. So his presidential leadership is a colossal failure, first, because he will not respect this Congress and work with it in a way to get results that all of the presidents I just mentioned did.

The New York Times had a very interesting story this Sunday about how President Woodrow Wilson would come down to the President's Room right off the Senate and sit there three days a week with the door open, and he got almost everything he proposed passed, until he went over the heads of Congress around the country about the League of Nations and lost.

Or Senator Howard Baker used to tell the story of how, when Senator Everett Dirksen, the Republican leader, would not go down to the White House and have a drink with President Johnson in 1967, President Johnson showed up with his beagles in the Republican leader's office and said: Everett, if you won't come have a drink with me, I am here to have a drink with you.

I am not here to advocate having drinks, but I am here to suggest that when they disappeared into the back room together for 45 minutes, that played a big role in writing the Civil Rights Act of 1968 because it was written in Everett Dirksen's Republican leader office right down the hall, at the request of the Democratic President of the United States.

And Senator HARKIN—I do not think he will mind me telling the story about the afternoon 20 years ago when he was in his office and he got a telephone call from President George H.W. Bush's office. Would he come down with a few other Congressmen? The President was there for the afternoon. Mrs. Bush was in Texas. They spent an hour together, and the President showed them around. On the way out, Senator HARKIN said to President Bush: Mr. President, I don't want to turn this into a business meeting, but one of your staff members is slowing down the Americans with Disabilities bill. That conversation, Senator HARKIN says, changed things at the White House and helped that bill to pass.

Or Tip O'Neill, going into the Democratic Caucus in the 1980s and being criticized by his fellow caucus members: Why are you spending so much time with Ronald Reagan? Why are you fixing Social Security? He said: Because I like him. Because I like him.

Technology has changed a lot. But human nature has not. And relationships are essential in the Senate, in the White House, in politics, in church, in business, and all of our Presidents have known that you need to show respect to the people with whom you work if you are going to solve difficult problems. That is why I am disappointed by our talented President's unwillingness to work with Congress. There is no reaching out.